

**§ 138. Definitions**

As used in this chapter:

**(1) Agricultural product**

The term “agricultural product” means any fresh fruit or vegetable or any commodity or product derived from livestock or fowl, that is marketed in the United States for human consumption.

**(2) Certificate**

The term “certificate” means a certificate of accreditation issued under this chapter.

**(3) Laboratory**

The term “laboratory” means any facility or vehicle that is owned by an individual or a public or private entity and is equipped and operated for the purpose of carrying out pesticide residue analysis on agricultural products for commercial purposes.

**(4) Pesticide**

The term “pesticide” means any substance that alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in section 136(u) of this title.

**(5) Secretary**

The term “Secretary” means the Secretary of Agriculture.

(Pub. L. 101-624, title XIII, §1321, Nov. 28, 1990, 104 Stat. 3562.)

**§ 138a. National Laboratory Accreditation Program****(a) Establishment of Program**

The Secretary shall administer a National Laboratory Accreditation Program under which laboratories that request accreditation and conduct residue testing of agricultural products, or that make claims to the public or buyers of agricultural products concerning chemical residue levels on agricultural products, shall be determined to meet certain minimum quality and reliability standards.

**(b) Standards**

The Secretary of Health and Human Services, after consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall establish, through regulations, standards for the National Laboratory Accreditation program<sup>1</sup> that shall include—

- (1) standards applicable to laboratories;
- (2) qualifications for directors and other personnel; and
- (3) standards and procedures for quality assurance programs.

**(c) Accrediting bodies**

The Secretary of Health and Human Services shall approve State agencies or private, non-profit entities as accrediting bodies to act on behalf of such Secretary in implementing the certification and quality assurance programs in accordance with the requirements of this section. In making such approvals the Secretary of Health and Human Services shall—

(1) oversee and review the performance of any accrediting body acting on behalf of the Secretary to ensure that such accrediting body is in compliance with the requirements of the certification program under this section; and

(2) have the right to obtain from an accrediting body acting on behalf of the Secretary and from any laboratory that may be certified by such a body all records and materials that may be necessary for the oversight and review required by paragraph (1).

**(d) Requirements**

To be accredited under this chapter, a laboratory shall—

(1) prepare and submit an application for accreditation to the Secretary; and

(2) comply with such terms and conditions as are determined necessary by the Secretary and the Secretary of Health and Human Services.

**(e) Exceptions**

This chapter shall not apply to—

(1) a laboratory operated by a government agency;

(2) a laboratory operated by a corporation that only performs analysis of residues on agricultural products for such corporation or any wholly owned subsidiary of such corporation and does not make claims to the public or buyers based on such analysis;

(3) a laboratory operated by a partnership that only performs analysis of residues on agricultural products for the partners of such partnership and does not make claims to the public or buyers based on such analysis; or

(4) a laboratory not operated for commercial purposes that performs pesticide chemical residue analysis on agricultural products for research or quality control for the internal use of a person who is initiating the analysis.

(Pub. L. 101-624, title XIII, §1322, Nov. 28, 1990, 104 Stat. 3562.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 138b, 138c of this title.

**§ 138b. Accreditation****(a) In general**

The Secretary shall issue certificates of accreditation to laboratories that meet the requirements of this chapter, as determined by the Secretary.

**(b) Requirements for accreditation**

To receive accreditation under this chapter, a laboratory shall prepare and submit an application for accreditation to the Secretary and shall complete such required tests, and meet such standards as established under section 138a of this title.

**(c) Failure to meet accreditation standards**

The Secretary shall deny an application for accreditation or shall revoke any existing accreditation with respect to any laboratory that fails to meet the requirements for accreditation under this chapter.

<sup>1</sup> So in original. Probably should be capitalized.